

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

In re: Chapter 13

Mark William Hallaman Case No. 17-49789

Dawn Diane Hallaman,

Judge: Phillip J. Shefferly

Debtor(s). /

**MOTION TO APPROVE SETTLEMENT OF NON-BANKRUPTCY ACTION,
APPROVAL OF ATTORNEY'S FEES AND ALLOWING DEBTOR TO RETAIN
PROCEEDS**

NOW COMES Debtors, Mark William and Dawn Diane Hallaman, by and through their attorneys, Moran Law, and hereby move this Court for authority for the Joint Debtor, Dawn Diane Hallaman to enter into a settlement agreement with American Medical Systems for a personal injury matter and to approve the fees of her personal injury attorneys, Laminack, Pirtle & Martine and Kirkendall Dwyer LLP, in support states as follows:

1. On July 5, 2017, Debtors filed a voluntary petition for relief under Title 11, Chapter 13 of the Bankruptcy Code.
2. The Debtors' plan of reorganization (the "Plan") was confirmed on November 22, 2017.
3. As of May 6, 2020, Debtors are 99.7% paid into the plan, with a delinquency of \$184.06. The plan has been confirmed for 30 months and will yield approximately 75% to unsecured creditors.
4. On March 26, 2020, Debtors filed an Application to Employ Attorneys Laminack, Pirtle & Martine and Kirkendall Dwyer LLP, to pursue a personal injury action against American Medical Systems, which was approved by the Court via Stipulation on April 17, 2020.
5. That on or about July 23, 2019, Joint Debtor received a settlement offer for the case in the amount of \$50,000.00. A true and correct copy of the Settlement Statement has been sent to the Trustee for review.
6. That the Joint Debtor would like to avoid trial on the matter, as the outcome of trial is never predictable, and hereby requests that this Court approve the \$50,000.00 settlement offer.

7. Joint Debtor further requests that the Court approve the fees of her attorneys in the personal injury action, Laminack, Pirtle & Martine and Kirkendall Dwyer LLP, in the amount of \$19,000.00 which constitutes a 40% fee based on the net settlement pursuant to the Retainer Agreement, which is attached hereto as Exhibit A.
8. After costs and attorney fees debtor has a net balance of \$21,206.09 in which she seeks to retain to pay for several expenses that are listed in Exhibit B. Debtors budget it very tight and they are unable to pay for these repairs out of pocket.

WHEREFORE, Debtors request that this Motion to Approve Settlement of Non-Bankruptcy Action, Approval of Attorney's Fees and Allow Debtor to Retain Procieds be granted, and for any other or further relief as the Court deems appropriate.

Dated: May 6, 2020

/s/ Ryan B. Moran
Ryan B. Moran (P70753)
Attorney for Debtor
Moran Law
25600 Woodward Ave.; Ste. 201
Royal Oak, MI 48067
(248) 246-6536
rmoran@moranlaw.com

Exhibit 1

**UNITED STATES BANKRUPTCY COURT
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**ORDER ON MOTION TO APPROVE SETTLEMENT OF NON-BANKRUPTCY
ACTION, APPROVAL OF ATTORNEY'S FEES AND ALLOWING DEBTOR TO
RETAIN PROCEEDS**

Upon consideration of the Debtors' Motion, and the Court being fully advised of the premises:

IT IS HEREBY ORDERED that the Joint Debtor may settle her action against American Medical Systems for the amount of \$50,000.00

IT IS FURTHER ORDERED that the Joint Debtor shall be able to retain her net proceeds of \$21,206.09.

IT IS FURTHER ORDERED that to the extent that proceeds of the settlement to the Joint Debtor exceed \$21,206.09 the Debtor will remit the overage to the Trustee for disbursement.

IT IS FURTHER ORDERED that the fees in the approximate amount of \$19,000.00 be approved as to Joint Debtor's attorneys, Laminack, Pirtle & Martine and Kirkendall Dwyer LLP, constituting 40% of the net settlement amount pursuant to the retainer agreement.

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**NOTICE OF MOTION AND OPPORTUNITY TO OBJECT TO
MOTION TO APPROVE SETTLEMENT OF NON-BANKRUPTCY ACTION,
APPROVAL OF ATTORNEY'S FEES AND ALLOWING DEBTOR TO RETAIN
PROCEEDS**

Mark William & Dawn Diane Hallaman have filed papers with the court to approve a settlement of a non-bankruptcy action and approve attorney's fees.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant Mark William & Dawn Diane Hallaman the requested relief or if you want the court to consider your views on the Motion, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:¹

**United States Bankruptcy Court
211 W. Fort St., 17th Floor
Detroit MI 48226**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Moran Law
25600 Woodward Ave.; Ste. 201
Royal Oak, MI 48067

¹Response or answer must comply with F. R. Civ. P. 8(b), (c) and (e)

Mark William & Dawn Diane Hallaman
32210 Grandview
Westland, MI 48186

Chapter 13 Trustee
David Wm. Ruskin
26555 Evergreen Suite 1100
Southfield, MI 48076

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated: May 6, 2020

/s/ Ryan B. Moran
Ryan B. Moran (P70753)
Attorney for Debtor
Moran Law
25600 Woodward Ave.; Ste. 201
Royal Oak, MI 48067
(248) 246-6536
rmoran@moranlaw.com

EXHIBIT 3

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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**CERTIFICATE OF SERVICE OF MOTION TO APPROVE SETTLEMENT OF
NON-BANKRUPTCY ACTION, APPROVAL OF ATTORNEY'S FEES AND
ALLOWING DEBTOR TO RETAIN PROCEEDS**

I hereby certify that on May 6, 2020, I electronically filed the Motion to Approve Settlement of Non-Bankruptcy Action, Approval of Attorney's Fees and Allowing Debtor to Retain Proceeds with (Proposed) Order, Notice of Motion and Opportunity to Object, and Certificate of Service with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Chapter 13 Trustee

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto: *See Creditors Listed on Attached Matrix*

Dated: May 6, 2020

/s/ Ryan B. Moran

Ryan B. Moran (P70753)
Attorney for Debtor
Moran Law
25600 Woodward Ave.; Ste. 201
Royal Oak, MI 48067
(248) 246-6536
rmoran@moranlaw.com